

2013 DRAFTING REQUEST

Bill

Received: 7/29/2013 Received By: gmalaise
 Wanted: As time permits Same as LRB:
 For: Daniel Riemer (608) 266-1733 By/Representing: Dave Groshek
 May Contact: Drafter: gmalaise
 Subject: Employ Priv - discrimination Addl. Drafters:
 Extra Copies:

Submit via email: YES
 Requester's email: Rep.Riemer@legis.wisconsin.gov
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Employment discrimination based on family status

Instructions:

Prohibit employment discrimination based on family status

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	gmalaise 7/31/2013	scalvin 8/14/2013	rschluet 8/14/2013				
/P1	gmalaise 10/15/2013				sbasford 8/14/2013		State S&L
/1		scalvin 10/15/2013	rschluet 10/15/2013		lparisi 10/15/2013	lparisi 11/1/2013	State S&L

FE Sent For:

<END>

@ intro.

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1/?	gmalaise	PI sac 08/14/2013					

FE Sent For:

<END>



New Zealand Legislation

Human Rights Act 1993

Prohibited grounds of discrimination

Heading: inserted, on 1 January 2002, by section 7 of the Human Rights Amendment Act 2001 (2001 No 96).

21 Prohibited grounds of discrimination

- (1) For the purposes of this Act, the **prohibited grounds of discrimination** are—
- (a) sex, which includes pregnancy and childbirth:
 - (b) marital status, which means being—
 - (i) single; or
 - (ii) married, in a civil union, or in a de facto relationship; or
 - (iii) the surviving spouse of a marriage or the surviving partner of a civil union or de facto relationship; or
 - (iv) separated from a spouse or civil union partner; or
 - (v) a party to a marriage or civil union that is now dissolved, or to a de facto relationship that is now ended:
 - (c) religious belief:
 - (d) ethical belief, which means the lack of a religious belief, whether in respect of a particular religion or religions or all religions:
 - (e) colour:
 - (f) race:
 - (g) ethnic or national origins, which includes nationality or citizenship:
 - (h) disability, which means—
 - (i) physical disability or impairment:
 - (ii) physical illness:
 - (iii) psychiatric illness:
 - (iv) intellectual or psychological disability or impairment:
 - (v) any other loss or abnormality of psychological, physiological, or anatomical structure or function:
 - (vi) reliance on a guide dog, wheelchair, or other remedial means:
 - (vii) the presence in the body of organisms capable of causing illness:
 - (i) age, which means,—
 - (i) for the purposes of sections 22 to 41 and section 70 and in relation to any different treatment based on age that occurs in the period beginning with 1 February 1994 and ending with the close of 31 January 1999, any age commencing with the age of 16 years and ending with the date on which persons of the age of the person whose age is in issue qualify for national superannuation under section 7 of the New Zealand Superannuation and

- Retirement Income Act 2001 (irrespective of whether or not the particular person qualifies for national superannuation at that age or any other age):
- (ii) for the purposes of sections 22 to 41 and section 70 and in relation to any different treatment based on age that occurs on or after 1 February 1999, any age commencing with the age of 16 years:
 - (iii) for the purposes of any other provision of Part 2, any age commencing with the age of 16 years:
- (j) political opinion, which includes the lack of a particular political opinion or any political opinion:
 - (k) employment status, which means—
 - (i) being unemployed; or
 - (ii) being a recipient of a benefit under the Social Security Act 1964 or an entitlement under the Accident Compensation Act 2001:
 - (l) family status, which means—
 - (i) having the responsibility for part-time care or full-time care of children or other dependants; or
 - (ii) having no responsibility for the care of children or other dependants; or
 - (iii) being married to, or being in a civil union or de facto relationship with, a particular person; or
 - (iv) being a relative of a particular person:
 - (m) sexual orientation, which means a heterosexual, homosexual, lesbian, or bisexual orientation.
- (2) Each of the grounds specified in subsection (1) is a prohibited ground of discrimination, for the purposes of this Act, if—
- (a) it pertains to a person or to a relative or associate of a person; and
 - (b) it either—
 - (i) currently exists or has in the past existed; or
 - (ii) is suspected or assumed or believed to exist or to have existed by the person alleged to have discriminated.

Section 21(1)(b): substituted, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 21(1)(i)(i): amended, on 21 April 2005, by section 9(1) of the New Zealand Superannuation and Retirement Income Amendment Act 2005 (2005 No 42).

Section 21(1)(i)(i): amended, on 12 October 2001, by section 77 of the New Zealand Superannuation Act 2001 (2001 No 84).

Section 21(1)(k)(ii): substituted, on 1 July 1999, by section 415(1) of the Accident Insurance Act 1998 (1998 No 114).

Section 21(1)(k)(ii): amended, on 3 March 2010, pursuant to section 5(1)(b) of the Accident Compensation Amendment Act 2010 (2010 No 1).

Section 21(1)(l)(iii): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).



New Zealand Legislation

Human Rights Act 1993

32 Exception in relation to family status

Nothing in section 22 shall prevent restrictions imposed by an employer—

- (a) on the employment of any person who is married to, or in a civil union or in a de facto relationship with, or who is a relative of, another employee if—
 - (i) there would be a reporting relationship between them; or
 - (ii) there is a risk of collusion between them to the detriment of the employer;or
- (b) on the employment of any person who is married to, or in a civil union or in a de facto relationship with, or who is a relative of, an employee of another employer if there is a risk of collusion between them to the detriment of that person's employer.

Section 32(a): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 32(b): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2794/7

GMM/1/...

9 Jan

IN 7/31

NOTE

Wed
(CmH)

KP1

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

LPS: please make
marked change in
Topic on request sheet

gen act

1 **AN ACT** ...; **relating to:** employment discrimination on the basis of family status.

Analysis by the Legislative Reference Bureau

Current law prohibits discrimination in employment on various bases, including the basis of marital status, which is defined as the status of being married, single, divorced, separated, or widowed. Current law provides, however, that it is not employment discrimination because of marital status to prohibit an individual from directly supervising or being directly supervised by his or her spouse.

This bill prohibits employment discrimination on the basis of family status, which is defined in the bill as: 1) having or not having responsibility for the full-time or part-time care of a child, spouse, domestic partner, parent, or other relative; or 2) being married to or in a domestic partnership with a particular person or being a relative of a particular person. The bill provides, however, that it is not employment discrimination because of family status to prohibit an individual from directly supervising or being directly supervised by a relative or domestic partner.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows: _x

2 **SECTION 1.** 111.31 (1) of the statutes is amended to read:

3 111.31 (1) The legislature finds that the practice of unfair discrimination in
4 employment against properly qualified individuals by reason of their age, race,

1 creed, color, disability, marital status, family status, sex, national origin, ancestry,
2 sexual orientation, arrest record, conviction record, military service, use or nonuse
3 of lawful products off the employer's premises during nonworking hours, or declining
4 to attend a meeting or to participate in any communication about religious matters
5 or political matters, substantially and adversely affects the general welfare of the
6 state. Employers, labor organizations, employment agencies, and licensing agencies
7 that deny employment opportunities and discriminate in employment against
8 properly qualified individuals solely because of their age, race, creed, color, disability,
9 marital status, family status, sex, national origin, ancestry, sexual orientation,
10 arrest record, conviction record, military service, use or nonuse of lawful products off
11 the employer's premises during nonworking hours, or declining to attend a meeting
12 or to participate in any communication about religious matters or political matters,
13 deprive those individuals of the earnings that are necessary to maintain a just and
14 decent standard of living.

History: 1977 c. 125; 1979 c. 319; 1981 c. 112, 334, 391; 1987 a. 63; 1991 a. 289, 310, 315; 1997 a. 112; 2007 a. 159; 2009 a. 290.

15 **SECTION 2.** 111.31 (2) of the statutes is amended to read:

16 111.31 (2) It is the intent of the legislature to protect by law the rights of all
17 individuals to obtain gainful employment and to enjoy privileges free from
18 employment discrimination because of age, race, creed, color, disability, marital
19 status, family status, sex, national origin, ancestry, sexual orientation, arrest record,
20 conviction record, military service, use or nonuse of lawful products off the
21 employer's premises during nonworking hours, or declining to attend a meeting or
22 to participate in any communication about religious matters or political matters, and
23 to encourage the full, nondiscriminatory utilization of the productive resources of the
24 state to the benefit of the state, the family, and all the people of the state. It is the

1 intent of the legislature in promulgating this subchapter to encourage employers to
2 evaluate an employee or applicant for employment based upon the individual
3 qualifications of the employee or applicant rather than upon a particular class to
4 which the individual may belong.

History: 1977 c. 125; 1979 c. 319; 1981 c. 112, 334, 391; 1987 a. 63; 1991 a. 289, 310, 315; 1997 a. 112; 2007 a. 159; 2009 a. 290.

5 **SECTION 3.** 111.31 (3) of the statutes is amended to read:

6 111.31 (3) In the interpretation and application of this subchapter, and
7 otherwise, it is declared to be the public policy of the state to encourage and foster
8 to the fullest extent practicable the employment of all properly qualified individuals
9 regardless of age, race, creed, color, disability, marital status, family status, sex,
10 national origin, ancestry, sexual orientation, arrest record, conviction record,
11 military service, use or nonuse of lawful products off the employer's premises during
12 nonworking hours, or declining to attend a meeting or to participate in any
13 communication about religious matters or political matters. Nothing in this
14 subsection requires an affirmative action program to correct an imbalance in the
15 work force. This subchapter shall be liberally construed for the accomplishment of
16 this purpose.

History: 1977 c. 125; 1979 c. 319; 1981 c. 112, 334, 391; 1987 a. 63; 1991 a. 289, 310, 315; 1997 a. 112; 2007 a. 159; 2009 a. 290.

17 **SECTION 4.** 111.32 (7g) of the statutes is created to read:

18 111.32 (7g) "Family status" means any of the following:

19 1. Having or not having responsibility for the full-time or part-time care of a
20 child, as defined in s. 103.10 (1) (a), spouse, as defined in s. 103.10 (1) (h), domestic
21 partner, as defined in s. 103.10 (1) (ar), parent, as defined in s. 103.10 (1) (f), or other
22 relative, as defined in s. 106.50 (1m) g).

1 2. Being married to or in a domestic partnership, as defined in s. 40.02 (21)(d)

2 or 770.01 (2), with a particular person or being a relative, as defined in s. 106.50 (1m)

3 (q), of a particular person.

4 **SECTION 5.** 111.321 of the statutes is amended to read:

5 **111.321 Prohibited bases of discrimination.** Subject to ss. 111.33 to
6 111.365, no employer, labor organization, employment agency, licensing agency, or
7 other person may engage in any act of employment discrimination as specified in s.
8 111.322 against any individual on the basis of age, race, creed, color, disability,
9 marital status, family status, sex, national origin, ancestry, arrest record, conviction
10 record, military service, use or nonuse of lawful products off the employer's premises
11 during nonworking hours, or declining to attend a meeting or to participate in any
12 communication about religious matters or political matters.

History: 1981 c. 334; 1987 a. 63; 1991 a. 310; 1997 a. 182; 2007 a. 159; 2009 a. 290.

13 **SECTION 6.** 111.345 of the statutes is amended to read:

14 **111.345 Marital or family status; exceptions and special cases.**

15 Notwithstanding s. 111.322, it is not employment discrimination because of marital
16 status or family status to prohibit an individual from directly supervising or being
17 directly supervised by his or her spouse or domestic partner, as defined in s. 103.10

18 (1) (ar), or by a relative, as defined in s. 106.50 (1m) (q).

History: 1981 c. 334.

19 **SECTION 7. Initial applicability.**

20 (1) **COLLECTIVE BARGAINING AGREEMENTS.** This act first applies to an employee
21 or applicant for employment who is affected by a collective bargaining agreement
22 that contains provisions that are inconsistent with this act on the day on which the

1 collective bargaining agreement expires or is extended, modified, or renewed,
2 whichever occurs first.

3 (END)

D-N

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2794/P1dn

GMM:jf:....

9 sac

- date -

Representative Riemer:

The definition of "family status" in this draft is taken from the definition of that term found at section 21 (1) (L) of the New Zealand Human Rights Act of 1993.

If you have any questions about this draft, please do not hesitate to contact me directly at the phone number or e-mail address captioned below.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2794/P1dn
GMM:sac:rs

August 14, 2013

Representative Riemer:

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E-mail: gordon.malaise@legis.wisconsin.gov

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

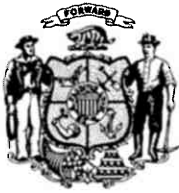
Library (608-266-7040)

Legal (608-266-3561)

LRB

10/14 Dave Groshek

83, 21 delete "or not having"



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2794/R

GMM:sac:rs

IN 10/15

5000

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

gen cat

- 1 AN ACT *to amend* 111.31 (1), 111.31 (2), 111.31 (3), 111.321 and 111.345; and *to*
2 *create* 111.32 (7g) of the statutes; **relating to:** employment discrimination on
3 the basis of family status.

Analysis by the Legislative Reference Bureau

Current law prohibits discrimination in employment on various bases, including the basis of marital status, which is defined as the status of being married, single, divorced, separated, or widowed. Current law provides, however, that it is not employment discrimination because of marital status to prohibit an individual from directly supervising or being directly supervised by his or her spouse.

X
* This bill prohibits employment discrimination on the basis of family status, which is defined in the bill as: 1) having ~~any~~ responsibility for the full-time or part-time care of a child, spouse, domestic partner, parent, or other relative; or 2) being married to or in a domestic partnership with a particular person or being a relative of a particular person. The bill provides, however, that it is not employment discrimination because of family status to prohibit an individual from directly supervising or being directly supervised by a relative or domestic partner.

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7 to attend a meeting or to participate in any communication about religious matters
8 or political matters, substantially and adversely affects the general welfare of the
9 state. Employers, labor organizations, employment agencies, and licensing agencies
10 that deny employment opportunities and discriminate in employment against
11 properly qualified individuals solely because of their age, race, creed, color, disability,
12 marital status, family status, sex, national origin, ancestry, sexual orientation,
13 arrest record, conviction record, military service, use or nonuse of lawful products off
14 the employer's premises during nonworking hours, or declining to attend a meeting
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1 to encourage the full, nondiscriminatory utilization of the productive resources of the
2 state to the benefit of the state, the family, and all the people of the state. It is the
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24 relative, as defined in s. 106.50 (1m) (q).

2. Being married to or in a domestic partnership, as defined in s. 40.02 (21d) or 770.01 (2), with a particular person or being a relative, as defined in s. 106.50 (1m) (q), of a particular person.

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111.321 Prohibited bases of discrimination. Subject to ss. 111.33 to 111.365, no employer, labor organization, employment agency, licensing agency, or other person may engage in any act of employment discrimination as specified in s. 111.322 against any individual on the basis of age, race, creed, color, disability, marital status, family status, sex, national origin, ancestry, arrest record, conviction record, military service, use or nonuse of lawful products off the employer's premises during nonworking hours, or declining to attend a meeting or to participate in any communication about religious matters or political matters.

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(END)

Parisi, Lori

From: Rep.Rierner
Sent: Friday, November 01, 2013 2:32 PM
To: LRB.Legal
Subject: Draft Review: LRB -2794/1 Topic: Employment discrimination based on family status

Please Jacket LRB -2794/1 for the ASSEMBLY.